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TO EXAMINER MATTHEW D. ANDERSON****OFFICIAL**

TO: Commissioner for Patents
Attn: Examiner Matthew D. Anderson
Group Art Unit 2186
Patent Examining Corps
Facsimile Center
Washington, D.C. 20231

FROM: David W. Victor

OUR REF: 0018.0074
TELEPHONE: 310-556-7983

Total pages, including cover letter: 25**PTO FAX NUMBER 1-703-872-9306**

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Title of Document Transmitted: TRANSMITTAL OF AMENDMENT (+COPY OF
SAME); RESPONSE TO FINAL

Applicant: D.A. Burton et al.
Serial No.: 09/630,228
Filed: August 1, 2000
Group Art Unit: 2186
Docket No.: TUC920000013US1

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on May 18, 2004

By:
Name: David W. Victor

FORM PTO-1083

PATENT
TUC920000013US1
0018.0074

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Examiner: Matthew D. Anderson
 D.A. Burton et al.)
 Serial No.: 09/630,228)
 Filed: August 1, 2000) Art Unit: 2186
 For: METHOD, SYSTEM, AND DATA)
 STRUCTURES FOR USING METADATA)
 IN UPDATING DATA IN A STORAGE)
 DEVICE)



Sir:

Transmitted herewith in the above-identified application is an:
 Amendment 22 pages.

The fee has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO PREVIOUSLY PAID FOR	PRESENT EXTRA RATE	ADDIT. FEE OR	ADDIT. RATE	ADDIT. FEE
TOTAL	48	MINUS 51	= 0	x \$0	OR	x 18 \$0
INDEP CLAIMS	14	MINUS 11	= 3	x \$0	OR	x 86 \$258
<u>FIRST PRESENTATION OF MULTIPLE DEP. CLAIM</u>						
			+	\$	OR	+ 290 \$
				\$0	OR	TOTAL \$258

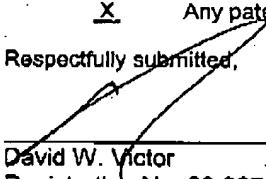
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The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 09-0449. A duplicate of this sheet is enclosed.

Any filing fees under 37 CFR 1.16 for the presentation of extra claims.

Any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,


Dated: May 18, 2004

David W. Victor
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CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being transmitted by facsimile to Matthew D. Anderson of the U.S. Patent and Trademark Office at 703-872-9306 on May 18, 2004.


 David W. Victor

5/18/04
 Date

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 18 2004

Applicant: D.A. Burton et al. Examiner: Matthew D. Anderson
 Serial No.: 09/630,228 Group Art Unit: 2186
 Filed: August 1, 2000 Docket No.: TUC920000013US1
 TITLE: METHOD, SYSTEM, AND DATA STRUCTURES FOR USING
 METADATA IN UPDATING DATA IN A STORAGE DEVICE

7/8
S.A.
5/22/04
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David W. Victor

5/18/04
Date

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RESPONSE TO FINAL OFFICE ACTION

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

This amendment is submitted in response to the final office action dated February 18, 2004 in which the Examiner rejected claims 1, 15, 16, 30, 31, 42, 43, and 47-51 as anticipated (35 U.S.C. §102) or obvious (35 U.S.C. §103) over cited art, and found that claims 2-14, 17-29, 32-41, and 44-48 would be allowed if written in independent form to include the requirements of base and intervening claims.

On April 22, 2004, the attorney for Applicants and the Examiner held a phone interview discussing the claims. Although no agreement was reached, the Examiner said he would consider entering an amendment to the independent claims Applicants proposed and would reconsider the rejection in view of such amendments and arguments. Applicants have amended claims 1, 16, 31, and 43 as discussed during the phone interview and request the Examiner to enter this amendment because it does not raise issues that would require further searching. Applicants have further amended certain of the allowable claims to place in condition for allowance and canceled claims 49-51.

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Amdt. dated May 18, 2004
Reply to Final Office Action of Feb. 18, 2004

Serial No. 09/630,228
Docket No. TUC920000013US1
Firm No. 0018.0074

Applicants submit that pending claims 1-48 are patentable over the cited art and in condition for allowance for the reason discussed herein.

Amendments to the Claims are reflected in the listing of claims which begins on page 3.
Remarks/Arguments begin on page 18.